

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 07-0309 WHA

Plaintiff,

v.

**ORDER DENYING CERTIFICATE OF
APPEALABILITY OF ORDER DENYING
DEFENDANT'S MOTION UNDER
SECTION 2255**

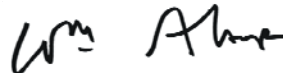
JOSE JESUS MADRIGAL-DIAZ,

Defendant.

A recent order denied defendant's motion to vacate, set aside, or correct his sentence under Section 2255. Defendant has attempted to appeal that decision without requesting a certificate of appealability. Pursuant to 28 U.S.C. 2255(d) and Rule 11(a) of the Rules Governing Section 2255 Cases, defendant must make a substantial showing that his claims amounted to a denial of his constitutional rights or demonstrate that a reasonable jurist would find this Court's denial of his claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). He has failed to do so. Consequently, a certificate of appealability is **DENIED**. The Clerk shall serve this order on defendant and the government.

IT IS SO ORDERED.

Dated: July 8, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE